

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GUADALUPE ARENAS VARGAS, et al., § CIVIL ACTION NO. 4:09-CV-02521
Plaintiffs, §
 §
 §
v. § JUDGE KEITH P. ELLISON
 §
KIEWIT LOUISIANA CO., et al., §
Defendants. § JURY

ORDER

Upon consideration of Defendants' Motion for Partial Summary Judgment Based on Application of Louisiana Law, the Court finds that no material fact issue exists, and grants partial summary judgment as follows:

1. Plaintiffs Sylvia Ozuna Garcia and Martin Reyes Adame, parents of the deceased, Martin Anastacio Reyes Osuna ("Martin Reyes"), have no standing to pursue claims against Defendants, Kiewit Louisiana Co., Massman Construction Co., and Traylor Bros., Inc., a Joint Venture d/b/a Kiewit Massman Traylor Constructors ("KMTC"), Kiewit Louisiana Co., Massman Construction Co., and Traylor Bros., Inc. (collectively "Defendants"), under Louisiana wrongful death and survivorship laws, applicable to the present cause of action pursuant to Texas choice of law.

2. In accordance with Louisiana substantive law, Sylvia Ozuna Garcia and Martin Reyes Adame, parents of Martin Reyes, are hereby dismissed, as they do not have standing under Louisiana law. *See* LA. CIV. CODE. ANN arts. 2315.1; 2315.2.

It is so ORDERED.

Signed on _____, 2011.

UNITED STATES DISTRICT JUDGE
KEITH P. ELLISON